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Attorneys for Defendants

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ELGIZOLI AHMED,)	No. C 07-06278 BZ
)	
Plaintiff,)	
)	
v.)	
)	
MICHAEL MUKASEY, in his official)	ANSWER TO COMPLAINT
capacity as Attorney General of the United)	
States; MICHAEL CHERTOFF, Secretary)	
of the Department of Homeland Security;)	
EMILIO GONZALEZ, Director of U.S.)	
Citizenship and Immigration Services;)	
ROBERT S. MUELLER III, Director of the)	
Federal Bureau of Investigation;)	
CHRISTINA POULOS, Director of the)	
California Service Center,)	
)	
Defendants.)	

Defendants hereby submit their answer to Plaintiff's Complaint for to Compel Defendants to Complete Naturalization Process.

1. The allegations in Paragraph One consist of Plaintiff's characterization of this action, to which no response is required. To the extent a response is required, Defendants deny the allegations therein.

2. Defendants deny the third sentence in Paragraph Two, and aver that Plaintiff was interviewed on August 8, 2006. Defendants admit the remaining allegations in Paragraph Two.

3. Defendants lack sufficient information to admit or deny the allegation in Paragraph Three, and on that basis, deny it.

4. Defendants deny the allegation in Paragraph Four.

5. Paragraph Five consists of Plaintiff's allegations regarding venue, to which no response is required. To the extent a response is required, Defendants deny that an alien may base venue on his residence under 28 U.S.C. § 1391(e).

6. Defendants deny the allegations in Paragraph Six.

7. Defendants admit the allegations in Paragraph Seven.

8. Defendants deny the allegations in Paragraph Eight, and aver that Plaintiff was interviewed on August 8, 2006.

9. Defendants deny the allegations in Paragraph Nine.

10. Defendants deny the allegations in Paragraph Ten.

11. Defendants deny the allegations in Paragraph Eleven.

12. Defendants deny the allegations in Paragraph Twelve.

The remaining paragraphs consist of Plaintiff's prayer for relief, to which no admission or denial is required; to the extent a responsive pleading is deemed to be required, Defendants deny this paragraph.

AFFIRMATIVE AND/OR OTHER DEFENSES

All allegations not before specifically admitted, denied, or modified, are hereby denied. For further and separate answer, Defendants allege as follows:

FIRST AFFIRMATIVE DEFENSE

The Court lacks jurisdiction over the subject matter of this action.

SECOND AFFIRMATIVE DEFENSE

The Complaint fails to state a claim against the Defendants upon which relief can be granted.

THIRD AFFIRMATIVE DEFENSE

No acts or omissions by the United States or its employees were the proximate cause of any injury or damages to the Plaintiff.

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FOURTH AFFIRMATIVE DEFENSE

At all times alleged in the complaint, Defendants were acting with good faith, with justification, and pursuant to authority.

FIFTH AFFIRMATIVE DEFENSE

Defendants are processing the application referred to in the Complaint to the extent possible at this time. Accordingly, no relief as prayed for is warranted.

WHEREFORE, Defendants pray for relief as follows:

That judgment be entered for Defendants and against Plaintiff, dismissing Plaintiff's Complaint with prejudice; that Plaintiff takes nothing; and that the Court grant such further relief as it deems just and proper under the circumstances.

Dated: March 10, 2008

Respectfully submitted,

JOSEPH P. RUSSONIELLO
United States Attorney

/s/
MELANIE L. PROCTOR
Assistant United States Attorney
Attorneys for Defendants